

REMARKS/ARGUMENTS

Claims 12, 13 are rejected under 35 USC 103a as being unpatentable over Hoshi et al (US 7,197,231 B2) and further in view of Xue et al. (US 6,711,181 B1); and

Claims 1, 2 are rejected under 35 USC 103a as being unpatentable over Hoshi et al (US

- 5 7,197,231 B2) and Xue et al. (US 6,711,181 B1) as applied to claim 12 above, and further
in view of Ihara (US 7,199,891 B1)**

In the “Response to Arguments” section of the Office action of 06/17/2008, the Examiner disagreed with the applicant’s previous argument that the combination of Hoshi et al. and Xue et al fails to teach “checking the incoming bit-stream for errors by checking the 10 DIF blocks in the DV stream” as is claimed in claims 1 and 12 (emphasis added). The Examiner stated the reason for the disagreement is that “Xue et al teach the CIP packet includes the DIF block DV data in the data field 28,” and also “Xue et al. teach checking if the incoming bit contains empty or non-empty CIP packet.” Given these two teachings by Xue et al., the Examiner contends that the teachings of Xue et al. “read on” the claimed 15 limitation of “checking the incoming bit-stream for errors by checking the DIF blocks in the DV stream”.

However the applicant respectfully disagrees with the Examiner’s logic.

Firstly, the applicant notes that Xue et al. do not directly teach the claimed limitation of “checking the incoming bit-stream for errors by checking the DIF blocks in the DV stream”. 20 Instead, Xue et al. only teach checking if CIP packets are empty (ie, empty data field 28). Because, CIP packets are not DIF blocks, therefore, the above claimed limitation is not directly taught by Xue et al. The disagreement between the applicant and the Examiner is whether or not “checking for empty CIP packets” as taught by Xue et al. reads on “checking the incoming bit-stream for errors by checking the DIF blocks in the DV stream” as claimed 25 in the present invention. The Examiner contends that it does because the data field 28 of the CIP packet can contain DIF blocks. However, the applicant asserts that checking for empty CIP packets does not read on checking the DIF blocks in the DV stream for at least the following reasons:

Checking for empty CIP packets is not checking DIF blocks in the DV stream

Simply put, when a CIP packet contains an empty data field 28, there are no DIF blocks in that CIP packet to check. In other words, a CIP packet that contains no data in the data field 28 cannot contain any DIF blocks. Therefore, the Examiner should not rely on Xue et al. to teach the claimed limitation of “checking DIF blocks of the DV stream” because Xue et al. only detect empty CIP packets, which by definition do not have any DIF blocks.

The applicant also asserts that checking for empty CIP packets by Xue et al. is not equivalent to checking for missing DIF blocks, as might be interpreted by the Examiner. The reason is that it is possible for an empty CIP packet to be received “due to timing and data availability considerations” (see Xue et al. col 2, line 27). However, in this situation, remaining data of the DV stream will still be received in following CIP packet(s). That is, all the required DIF blocks of the DV frame are indeed present and accounted for, and the fact that an empty CIP packet was received does not give any information of missing DIF blocks in the DV stream.

Therefore, “checking for empty CIP packets” as taught by Xue et al. is completely different and independent from “checking DIF blocks in the DV stream” as claimed by the present invention. Neither information about DIF blocks present in the DV stream nor detection of missing DIF blocks can be determined by checking for empty CIP packets.

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Checking for empty CIP packets is not indicative of an error in the DV stream

Furthermore, the applicant points out that checking whether or not empty CIP packets are encountered does not have anything to do with the claimed feature of “checking the incoming bit stream for errors”. In the present invention as claimed in both independent claims 1 and 12, the “incoming bit stream” is defined as being “a DV stream having data in frame (DIF) blocks”. The applicant points out that whether or not empty CIP packets are encountered has nothing to do with errors in the incoming DV stream. That is, empty CIP packets do not correspond to an error in the DV stream. To explain this point further, firstly

note Xue et al. col 2, lines 19-21 stating, “For example, software may process CIP packet sequences by extracting video data and generating a complete video frame in accordance with a standard format such as Digital Video (DV).” Then in col 2, lines 27-34, Xue et al. state,

5 “Due to timing and data availability considerations, the CIP data field 28 within a particular CIP packet 20 may not contain any information. That is some CIP packets 20 may contain CIP header information only, being empty in terms of data content.” That is, at the source of the data transmission, DV stream data might not be ready in time so therefore an empty CIP packet will be sent instead. However, these empty CIP packets do not represent errors in the DV stream. Instead, the empty CIP packets just mean that no DV stream data was available
10 yet so an empty CIP packet was sent instead. Stated another way, it would be impossible to determine if the DV stream had an error by only checking for empty CIP packets. The reason is that empty CIP packets are simply caused by “timing and data availability considerations” and do not correspond or have anything to say about the error condition of the DV stream.

15 In summary, in the disclosure of Xue et al., the CIP packets are treated as simple carriers of DV data. Xue et al. does not teach or suggest checking for errors in the underlying DV data. Additionally, as explained above, checking for empty CIP packets is not equivalent or similar to checking for errors in the DV stream by checking the DIF blocks in the DV stream because empty CIP packets do not include any information in the data field 28 and therefore cannot
20 contain DIF blocks. Additionally, checking for empty CIP packets is not equivalent or similar to checking the DV stream for errors because empty CIP packets do not correspond to errors in the DV stream. That is, it is impossible to determine if the DV stream has an error by checking for empty CIP packets.

For at least the above reasons, the applicant respectfully disagrees with the Examiner
25 that the teachings of Xue et al. read on the claimed limitation of “checking the incoming bit-stream for errors by checking the DIF blocks in the DV stream”, as is claimed in claim 1. A similar argument also applies to claim 12, and claims 2-11 and 13-23 are dependent claims and should be found allowable for at least the same reasons as their respective base claims.

Claims 3, 4, 5 and 11 are rejected under 35 USC 103a as being unpatentable over Hoshi et al. (US 7,197,231 B2), Xue et al. (US 6,711,181 B1) and Ihara (US 7,199,891 B1) as applied to claims 1, 2 above, and further in view of Okamori (US 2003/0,053,486 A1) and Tan et al. (US 5,959,684).

- 5 As mentioned above, claims 3, 4, 5, and 11 are dependent on claim 1, and should therefore be found allowable for at least the same reasons provided above for claim 1.

10 **Claims 14, 16, 17, 15, and 23 are rejected under 35 USC 103a as being unpatentable over Hoshi et al. (US 7,197,231 B2) and Xue et al. (US 6,711,181 B1) as applied to claims 12 and 13 above, and further in view of Okamori (US 2003/0,053,486 A1) and Tan et al. (US 5,959,684).**

- 15 As mentioned above, claims 14, 16, 17, 15, and 23 are dependent on claim 12, and should therefore be found allowable for at least the same reasons provided above for claim 12.

Allowable subject matter – Claims 6-10 and 18-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- 20 Applicant thanks the Examiner for the indication of the allowance of claims 6-10 and 18-22. Because the applicant believes the base claims 1 and 12 should not be found rejected for the above stated reasons, applicant has not rewritten claims in 6-10 and 18-22 in independent form.

25 **Conclusion:**

Thus, all pending claims are submitted to be in condition for allowance with respect to the cited art for at least the reasons presented above. The Examiner is encouraged to telephone the undersigned if there are informalities that can be resolved in a phone

Appl. No. 10/710,594
Amdt. dated August 18, 2008
Reply to Office action of June 17, 2008

conversation, or if the Examiner has any ideas or suggestions for further advancing the prosecution of this case.

Sincerely yours,

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Date: 08.18.2008

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